applies equally to this. Here the practitioner may find in compact form all that is really necessary for practice in the trial of criminal cases; and he will find it decidedly to his advantage to have it always at his hand.

The author is very clear and positive, as usual, in his statements of the law, and less bound by authority than by the dictates of his own reason. For example, in speaking of extradition, after having mentioned the fact that there is a conflict on the question whether or not a person illegally arrested in a foreign country can be legally tried in the country to which he is brought, he very wisely adds, that in reason, it would appear that the person arrested should not be allowed to raise any objection, though an objection coming from the authorities of the country from which he was abducted should be regarded:—a distinction which does not seem to be stated, at least in such a concise manner, in any reported case.

There are, however, a few slight inaccuracies, or rather deficiencies, to be found in this volume. Such is the omission, in the discussion of the admissibility of dying declarations, to state that a declaration, made when not in fear of impending death, and therefore inadmissible, becomes admissible afterward, if reaffirmed when in expectation of death; this is so, whether the former declaration is first reread or repeated to the deceased, and then reaffirmed or assented to by him: *Rey* v. *Stull*, 12 Cox C. C. 168; or if simply reaffirmed, though not repeated or reread: *Johnson* v. *State*, (Ala.) 16 So. Rep. 99.

But these flaws are too trifling to impair the value of the work as a whole; and the Bar may feel assured that in this, as in the other volumes of this series, they will have a most useful volume for the table, to be kept at hand for constant reference,—and one that will rarely, if ever, disappoint them when they consult it. X.

HISTORY OF THE LAW OF REAL PROPERTY IN NEW YORK. By ROBERT LUDLOW FOWLER. New York: Baker, Voorhis & Co. 1895.

The subtitle of this work, "An Essay Introductory to the Study of the New York Revised Statutes," explains the purpose of the author as he would have it understood. The nine chapters of the book may be roughly divided into two parts, the first four are historical in character, while the last five are devoted to a concise discussion of some of the technical questions arising in modern conveyancing under the New York code. The work, therefore, is of local rather than general interest, but in the historical portions there are several discussions which are of importance upon questions of Colonial Law. Prior to 1664 the States General of Holland, through the Dutch West India Company, had exercised sovereign powers over that portion of the country then known as New Netherland, hence a view of the land law of New York involves a consideration of the grants of the Dutch West India Company. With the English occupation under the Duke of York's patent a number of questions arise, for example, as to whether England's title to New York was derived through the right of discovery and occupation, or by means of conquest and cession. The author treats, at some length, the Common Socage tenure by which the lands were held of the Crown, leading up to a discussion of the recent important case of *De Lancey* v. *Prepgras*, 138 N. Y. 26, where one of the questions before the court was as to what was formerly the remedy for nonpayment of the quit rent reserved to the Crown. Mr. FOWLER criticises rather sharply the opinion of the court that the King might, by inquisition, have the estate of the tenant declared at an end, resume his possession, and his original seizin would be restored unaffected by the previous demise, and further distinguishing a fee farm grant from the Sovereign and one from a private person after the statute *Quia Emptores*. It is obvious that a consideration of this subject must be technical and intricate. It would be interesting to contrast the views of Mr. FOWLER and Justice MANYARD with those of the Supreme Court of Pennsylvania in *Ingersoll* v. *Sargeant*, 1 Whart. 337, in which the statute of *Quia Emptores* was declared never to have been in force in Pennsylvania. In the collection of authorities Mr. FOWLER

shows great fidelity and industry in research, and the work will undoubtedly be valuable to those who are required to investigate the early land law of New York. A work of this character indicates with startling clearness how close, after all, we are to the Middle Ages. W. H. L.

CASES ON CONSTITUTIONAL LAW, WITH NOTES. By JAMES BRADLEY THAYER, LL.D. In two volumes. Cambridge: Charles W. Sever. 1895.

The last parts of this work do not disappoint the expectation arising from the perusal of the first part, which was reviewed in 33 AM. LAW REG. & REV. 410. Part III deals with cases on the right of Eminent Domain and Taxation, and Part IV with *Ex post facto* laws, State laws impairing the obligation of contracts, the regulation of commerce, money, war, insurrection and military law. With Part IV is published a very good index of the entire work. It goes without saying that the cases are excellently selected, and that one who possesses this work of Prof. THAYER'S has, in a small compass, all the principal cases dealing with the Constitution of the United States, besides a collection of valuable notes, references and excerpts from the principal text books and historical documents. There is little, indeed, that is left to be desired, except that one would have wished the editor to have sometimes given his own views, at least so far as to call the reader's attention to the discrepancy, if any, or the real conflict between many of the reported decisions. Outside the law school, only those who are fond of Constitutional Law will possess this book or read the cases there referred to, and to them it would have been a matter of great interest to know what one, who has given the time and attention to the subject, thinks concerning the various doctrines of Constitutional Law laid down by the cases reported. For instance, in looking at Dartmouth College Case, we would not have objected to have the editor give his own opinion on the different points of Marshall's argument. Again, we would like to have heard what Prof. THAYER would have to say on the opinion in *Weston* v. *City*